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vol. 21, issue 11

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March 11, 2016

Corrupt Courts Keep Crooked Judges



Fierce fight under way to replace Yatsenyuk

BY ALYONA ZHUK
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Agreement on the need to remove Arseniy Yatsenyuk is a lot easier to come by than consensus on who should replace the unpopular prime minister.

But two names keep coming to the forefront of discussions for the post: Finance Minister Natalie Jaresko and Verkhovna Rada Speaker Volodymyr Groysman.

Both dodge the question of whether they'll take the job, however, and Yatsenyuk shows no signs of wanting

more Yatsenyuk on page 2

Efforts to fire tainted officials face top-level obstruction

BY OLEG SUKHOV
SUKHOV@KYIVPOST.COM

President Petro Poroshenko and other officials are sabotaging efforts to purge from positions of power corrupt officials and judges, as well as those with links to ex-President Viktor Yanukovich's regime and the Soviet Union's KGB, critics allege.

Poroshenko's spokespeople denied the charges.

While some progress has been made in removing officials tied to Yanukovich, lustration is stalling against judges, officials with undeclared property — a telltale sign of financial corruption — and others.

Officials in charge of lustration

Protesters demand prosecution of judges who issued illegal rulings during the EuroMaidan Revolution that drove President Viktor Yanukovich from power on Feb. 21, 2014. The rally took place near the Verkhovna Rada on April 8, 2014. The protesters paraded a hanged effigy of a judge with a sign that read "I was taking bribes." Almost two years later, only eight judges have lost their jobs and three of them were restored to service by courts. (Kostyantyn Chernichkin)

BY OKSANA GRYSSENKO
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Ukraine had just finished marking the two-year anniversary of the

ers during EuroMaidan Revolution, crimes that remain unpunished, when a court on March 4 decided it was too late to fire judges who made illegal rulings during the three-month uprising that toppled President Viktor Yanukovich.

The court claimed that the law had conflicting wording. It stipulated both a one-year and a three-year deadline for the firing of judges. As a

result, the court ruled that three out of the eight judges who have been fired by the president for prosecuting EuroMaidan activists should be reinstated.

Critics say this is just another

more judges on page 11

more lustration on page 8

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Corrupt Courts Keep Crooked Judges

court judge **Mar. 10, 2016 22:44**

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Protesters demand prosecution of judges who issued illegal rulings during the EuroMaidan Revolution that drove President Viktor Yanukovich from power on Feb. 21, 2014. The rally took place near the Verkhovna Rada on April 8, 2014. The protesters paraded a hanged effigy of a judge with a sign that read "I was taking bribes." Almost two years later, only eight judges have lost their jobs and three of them were restored to service by courts. (Kostyantyn Chernichkin)

Photo by Konstantin Chernichkin



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March 1 decided it was too late to fire judges who made illegal rulings during the three-month uprising that toppled President Viktor Yanukovich.

The High [Administrative](#) Court decided that judges can't be fired more than a year after the passing of the March 2014 law on the lustration of judges.

The court claimed that the law had conflicting wording. It stipulated both a one-year and a three-year deadline for the firing of judges. As a result, the court ruled that three out of the eight judges who have been fired by the president for prosecuting EuroMaidan activists should be reinstated.

Critics say this is just another case of judges covering for their colleagues in Ukraine's notoriously corrupt and highly distrusted [judicial system](#).

"The High Administrative Court chose the approach of never abandoning their own folk," Roman Kuybida, an expert at the Reanimation Package of Reforms, a civil [activism](#) group, told the Kyiv Post. "I don't know how they could choose this (one-year) term... I didn't really understand their motivation."



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by parliament in April 2013. In 2013, Judge Volk lost his job over this illegal ruling, but was reinstated by the courts in February. (UNIAN)

Mar. 10, 201

Editorial

Few judges fired

A total of 331 judges involved in EuroMaidan cases have been probed by the Temporary Special Commission for Inspecting Common-Jurisdiction Courts, a body set up under the lustration law to investigate judicial wrongdoing.

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Brian Whit

Mar. 10, 201

Op-ed

The commission has sent documents to the High Council of Justice justifying the firing of 46 of the 331 judges. The council has already approved the firing of 22 of them.

But only eight of those judges have already been fired by the president, while the Verkhovna Rada has yet to vote on firing another 10.

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Mar. 10, 201

Op-ed

Oleksandra Drik, the head of the Civic Lustration Committee activist group, told the Kyiv Post that the chairman of parliament's law enforcement committee, Ruslan Knyazevich, is reluctant to lustrate judges and is unlikely to submit recommendations for their dismissal to parliament.

Meanwhile, 19 judges have appealed to the High Administrative Court against the High Council of Justice's decision to recommend their dismissal. The court has already ruled that six of them, including three who have already been dismissed, should remain in their jobs.

The Supreme Court, which has the final say on the matter, has yet to make a decision. However, Drik said the court is likely to rule in favor of the judges, as its head, Yaroslav Romanyuk, has repeatedly said that he is against reforming the courts.

The dismissed judges cleared by the High Administrative Court include Nelya Tsybra, who unlawfully ordered the arrest of EuroMaidan activists in Cherkasy Oblast, Vitaly Litvinov, who kept a EuroMaidan demonstrator in jail for two months and Dmytro Kravets, who ruled the police could storm the protester-held Kyiv City Hall in December 2013.

Even the head of the High Council of Justice has protested against the High Administrative Court's rulings on the three judges.

"We shouldn't keep in place a judge who sent a beaten person who was pleading for help to jail... or a judge who effectively allowed (police) to storm Kyiv City Hall," Ihor Benedysniuk, chairman of the High Council of Justice, said at a news briefing on March 4.

Delays and sabotage

The commission for checking judges has failed to make decisions on most of the 331 investigated judges. Maryna Solovyova, the secretary of the commission, told the Kyiv Post by phone.

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Both the Verkhovna Rada and the Supreme Court have been dragging their feet on appointing new representatives, she said.

Solovyova said the hobbled commission would now have to transfer its powers to the High Council of Justice, though it is not clear whether the council has the authority to consider such cases.

Ukrainian authorities also delayed the [appointment](#) of members of the High Council of Justice in 2014 and until mid-2015, which made the lustration of judges impossible. The council only gained a quorum and started working in June 2015.

Yet another blow

Another blow to the cleansing of the [court system](#) came when 25 out of the 26 members of the Council of Judges voted on March 3 against firing Zenovy Kholodnyuk, the head of the State Court Administration.

According to the Justice Ministry, Kholodnyuk has to be lustrated because he was a deputy head of the State Court Administration during the EuroMaidan Revolution.

But the Council of Judges claimed that Kholodnyuk is not subject to lustration because his [position](#) is an elected office, as he was selected by the council.

Dmytro Dymov, a deputy head of the lustration department, dismissed that reasoning as absurd, saying that Kholodnyuk's job is explicitly indicated in the lustration law and that only popularly elected offices are exempt from lustration. **Least trusted institution**

Courts were the least trusted out of all other state institutions before the 2013-2014 EuroMaidan Revolution, and they have lost even more in public support in the last two years.

A recent poll by the Democratic Initiatives Foundation showed that the number of Ukrainians who don't trust their courts rose from 72 percent in May 2013 to more than 80 percent in December 2015.

Unpunished judges

Only the president and parliament can fire a judge, in a complicated procedure that can be appealed in courts.

This makes firing a judge almost impossible.

Even Serhiy Vovk, who is infamous for presiding over the show trial of Yuriy Lutsenko, the former interior minister and now the head of the Bloc of Petro Poroshenko faction in parliament, is back at work in Kyiv's Pechersk district court. He returned to his job on Feb. 2.

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The Prosecutor General's Office opened a criminal investigation against Vovk for issuing an unlawful ruling, but a court sent the [indictment](#) back to prosecutors in January. Vovk was suspended from office for two months due to the criminal investigation, following which he returned to his job.

Though in March 2015 parliament authorized [criminal cases](#) against Vovk and his fellow Pechersk [court judges](#) Oksana Tsarevych and Viktor Kytsyuk, the investigations have stalled.

Tsarevich and Kytsyuk are suspected of making unlawful decisions against EuroMaidan protesters. Tsarevich was suspended in March 2015 but then returned to her job in July, before being suspended again in September.

None of the three judges was detained or put under house arrest. Courts initially required Kytsyuk and Tsarevich to wear electronic bracelets, but even these were taken off last May.

Reform stalled

President Petro Poroshenko called judicial reform a No. 1 priority in 2014. But two years later, all that has been achieved is parliament's approval in February of the first reading of a highly criticized judicial reform bill.

Kuybida said judicial reform should include the creation of a new Supreme Court, the hiring of new judges for appeals courts, and the rigorous vetting of the remaining 6,000 judges of common-jurisdiction courts.

And even judges themselves admit that Ukraine's unreformed judicial system is notoriously corrupt.

"I think the corruption accusations that we hear today refer to the majority of judges," Mykola Kozubra, a retired judge of the Constitutional Court, told the LB.ua news site last July.

He added that it's hard for professional, Western-educated judges to work in Ukraine "because the system pushes out those who don't fit into it."

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Corruption in Ukraine

Dear friends

Ukraine's grace period for tackling cronyism may have run out

Feb 13th 2016 | KIEV | From the print edition

IN TSARSKOE SELO (“Tsar’s Village”), a smart district in Kiev, Ukraine’s president, Petro Poroshenko, owns a swathe of desirable land. Across the street sits a sprawling compound belonging to Ihor Kononenko, the president’s friend and deputy head of his parliamentary faction. The two men met during their Soviet army service. After Ukraine gained independence they rose together in business and politics. Last week Ukraine’s economy minister, Aivaras Abromavicius, resigned, accusing Mr Kononenko of **obstructing reform**. Mr Abromavicius said he refused to cover for officials who, “very much like the old government, are trying to exercise control over the flow of public funds”.



Ukraine’s Maidan revolution was supposed to roll back corruption and cronyism. Mr Abromavicius, a Lithuanian-born investment banker, was one of several foreigners invited into government to change the old ways. He ran up against vested interests in the circles of both the president and the prime minister, Arseniy Yatsenyuk (pictured, being uncomfortably hoisted during a brawl in parliament). Mr Abromavicius is the second economy minister since the revolution to quit for similar reasons, and the fifth minister to resign from the current government. Western ambassadors lamented his departure. In unusually blunt language, Christine Lagarde, the head of the International Monetary Fund (IMF), threatened an end to Ukraine’s \$18 billion bail-out programme **“without a substantial new effort to invigorate governance reforms and fight corruption”**. Following Ms Lagarde’s comments, Mr Poroshenko pledged to do more.

Yuri Lutsenko, the head of Mr Poroshenko’s parliamentary bloc, says the country now faces a “full-blown political crisis”. A cabinet shake-up is inevitable. A collapse of the ruling coalition and early parliamentary elections look increasingly likely. Ukraine’s Western allies argue that

elections would be destabilising and open the door to radicals and populists. Yet an exasperated public may demand them. **At stake is Ukraine's chance of moving past its history of post-Soviet misrule.**

Mr Abromavicius's problems mounted last year after his ministry was given control over Naftogaz, the state gas firm, and the power to appoint chief executives at the 60 top state-owned enterprises (SOEs). Ukraine's SOEs exemplify the crooked relationship between business and government: interest groups in parliament install "loyal" managers who funnel cash to oligarchs and political parties. Mr Abromavicius says he was pressured to let these appointments go through. His security detail was abruptly cut off for several weeks. The "tipping point" came when Mr Kononenko demanded that he appoint a crony as his deputy minister. (Mr Kononenko declined to comment.)

Figures like Mr Kononenko abound in Ukraine's parliament; locals call them "grey cardinals" or *lyubi druzi* ("dear friends"). The lines between friends, business partners, relatives and political allies are blurred, says Mr Abromavicius, and reforms have stalled. "It's not a technical problem, it's a political problem," says one foreign adviser to the government.

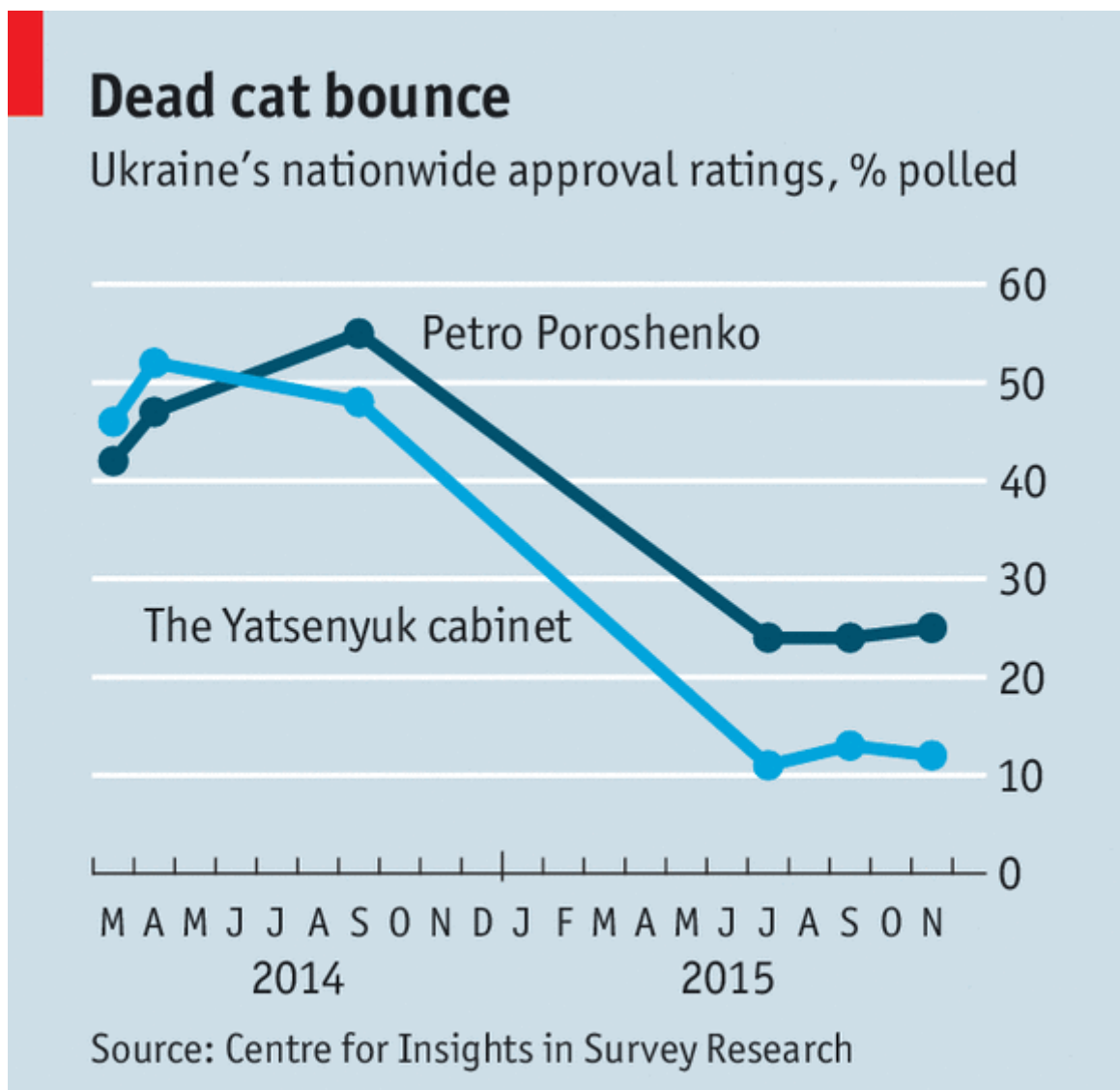
Dissatisfaction with the country's direction is rising and trust in the authorities is falling (see chart). Not a single government institution has a positive trust rating, according to the Kyiv International Institute of Sociology. Investors are worried, says Tomas Fiala, the head of Dragon Capital, Ukraine's largest investment bank. Bond yields have spiked in the past week.

On February 16th Mr Yatsenyuk is set to present his yearly progress report to parliament. A vote of no confidence may follow. Political stakeholders have been scrambling to prepare. Mr Poroshenko summoned the ambassadors of the G7 nations for a meeting, hoping to regain their trust. Mr Yatsenyuk gathered his cabinet to push for a last-ditch attempt at unity. Young reform-minded deputies are holding cross-party strategy sessions. The central bank chief summoned the heads of the top 40 banks for a dour meeting earlier this week. Western diplomats have been urging calm, concerned that instability could derail both Ukraine's reforms and the Minsk peace process. Sensing weakness in Kiev, the Kremlin may be rocking the boat: last week saw an uptick in ceasefire violations and snap drills by the Russian army along the border with Ukraine.

The crucial question is the fate of Mr Yatsenyuk, who is reviled but controls a large faction in parliament. Although he and Mr Poroshenko are partners in public, insiders say the president wants the prime minister out. About 70% of Ukrainians also want Mr Yatsenyuk gone, but there is no consensus on who should take his place. The American-born finance minister, Natalie Yaresko, is favoured by some reformers, including Mr Abromavicius, yet she has expressed no interest. Two old hands, Yulia Tymoshenko, a former prime minister, and Mikheil Saakashvili, the ex-president of Georgia who is now governor of the Odessa region, do have designs on Mr Yatsenyuk's seat.

There is a circular quality to Ukraine's reforms. Mr Poroshenko was among the *lyubi druzi* of a previous president, Viktor Yushchenko, after the 2004 Orange Revolution. This time, many had hoped that real work on reforms would begin after local elections last autumn. The opposite has

proved
true.
Mr



Economist.com

Yatsenyuk has focused on saving his job, despite approval ratings in single digits. Mr Poroshenko, facing a backlash over his support for an incompetent prosecutor general, has seen his credibility steadily eroded. For some activists his failure to demand Mr Kononenko's resignation is the last straw. "R.I.P. Poroshenko," says Daria Kaleniuk, the head of Ukraine's Anti-Corruption Action Centre. "He's digging a political grave for himself and for the country."

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Biden Warns Ukraine of Backsliding on Corruption

by ASSOCIATED PRESS

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U.S. Vice President Joe Biden on Tuesday warned Ukraine against backsliding in the fight against corruption.

In a speech at the Ukrainian Parliament, Biden said Ukraine should do more to fight corruption or it will lose international support.

Biden, who has been in Kiev since Sunday, previously assured Ukraine of U.S. support and announced the release of an additional \$190 million in U.S. aid to help conduct structural reforms.

Pro-Russian President Viktor Yanukovich fled the country in February 2014 following months of anti-government protests in Kiev, largely fueled by rampant corruption.

Biden urged Ukraine to carry out painful but crucial reforms to make governance more transparent, noting that "corruption eats Ukraine like cancer."

"We saw oligarchs ousted from power, only for them to

return," Biden said. "We understand how difficult some of the votes for reforms are but they are critical for putting Ukraine back on the right path."

Biden's speech on Tuesday indicated the West's growing impatience with Ukraine's lack of progress in reforms.

Nearly two years after the February 2014 revolution ushered in a new government, Ukraine still has hardly embarked on judicial and police reforms.

President Petro Poroshenko has been criticized for not doing enough to fight oligarchs many of whom have remained powerful brokers and taken on roles of managing crucial eastern regions bordering on the separatist-controlled areas

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**The
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Making Joe Biden mad as hell

Ukraine is not punishing its criminals. The West is getting tired of nagging it

Dec 12th 2015 | KIEV | From the print edition

JOSEPH BIDEN, America's folksy vice-president, is not known as an enforcer—except in Ukraine, where he has become the spearhead of American policy. This week Mr Biden made his fourth visit to Kiev since Ukraine's Maidan revolution and delivered a fiery speech in parliament, imploring the country's leaders to eradicate "the cancer of corruption". He invoked the "Heavenly Hundred", the protesters slain on Kiev's icy streets in 2014. "Their sacrifice, to put it bluntly, is now your obligation," Mr Biden roared.



Even as Mr Biden was speaking, Roman Baidovsky faced a panel of expressionless judges in a cramped courtroom halfway across town. Mr Baidovsky's 23-year-old son, Sergey, was one of the Heavenly Hundred. Sergey's killers and their superiors have yet to be punished. Incompetence has hampered the investigation, and the old guard in the security services have undermined it. Most crucially, says Taras Hatalyak of OPORA, a human rights group, "there's no political will" among the country's leaders to pursue the cases, an assessment echoed by senior Ukrainian lawenforcement officials.

When Sergey left for the protests, he told his father that "I want my kids to live in a normal country." So far, the promises of the revolution have not been fulfilled: Ukraine remains far from normal. Since the Maidan, it has run through three chief prosecutors, none of whom has closed a single case against high-level officials from former president Viktor Yanukovich's regime. Only two men have been convicted of crimes connected with the murder of protesters, both low-level foot soldiers. Key suspects have been allowed to escape. So little has been done to prosecute economic crimes that the European Union may have to lift its sanctions on ex-Ukrainian officials.

The latest prosecutor-general, Viktor Shokin, a close ally of President Petro Poroshenko, has ignored high-level corruption among the new authorities. Talk of Mr Shokin's fate dominated Mr Biden's meetings in Kiev this week. Ukrainian activists have been calling for Mr Shokin to be fired, but Mr Poroshenko has refused. An independent prosecutor would deprive him of a powerful political instrument and might expose his associates to investigation.

Attempts to create new anti-corruption institutions have encountered enormous resistance. “If they let big fish get caught, those people will start to speak,” says a Western diplomat. Selecting a special anti-corruption prosecutor, needed for the new National Anti-Corruption Bureau to start, dragged on till the last possible day, endangering Ukraine’s hopes of visa-free access to the European Union. Last week a seemingly independent candidate was picked, but only under the dual press of civil society and the West. “Many of us are feeling tired of patronising these guys and watching them all the time,” the diplomat adds.

Yet removing Mr Shokin alone would amount to little. An ongoing project to select new prosecutors will likely result in some 80% of the old guard being rehired, says Vitaly Kasko, a deputy prosecutor-general who has been at odds with Mr Shokin. “Herpes is not on the lips, it’s in the blood,” says Yulia Mostovaya, editor of *Zerkalo Nedeli*, a weekly. “We have to fight the virus, not just its symptoms.” As justice fails to materialise, many in Kiev have come to blame not just Prime Minister Arseniy Yatsenyuk, whose authority eroded earlier this year, but Mr Poroshenko as well. “The guys who came to power weren’t the ones who should have,” says Volodymyr Bondarchuk, whose father Sergiy, a high-school physics teacher, was also killed last year. “Their goals are far from the ideals of the Maidan.”

From the print edition: Europe

Auseinandersetzung im Bündnis

Steinmeier gegen Nato-Mitgliedschaft der Ukraine

Von Christiane Hoffmann

Die Ukraine will in die Nato, das Bündnis selbst ist in der Frage einer Mitgliedschaft aber gespalten. Deutschlands Außenminister Steinmeier spricht sich klar dagegen aus - Washington will die Tür offenhalten.

Bundesaußenminister Frank-Walter Steinmeier (SPD) hat dem Streben der Ukraine nach einer Mitgliedschaft in der Nato eine klare Absage erteilt. Am Freitag hatte die ukrainische Regierung in ihrem neuen Koalitionsvertrag eine Nato-Mitgliedschaft des Landes als vordringliches Ziel bezeichnet. Moskau fordert dagegen vom Westen eine Garantie, dass die Ukraine nicht Nato-Mitglied wird. "Für die Bündnisfrage gilt, was ich bereits vor Monaten gesagt habe: Ich sehe partnerschaftliche Beziehungen der Ukraine mit der Nato, aber keine Mitgliedschaft", so Steinmeier zu SPIEGEL ONLINE.

Ein Sprecher des US-Außenministeriums hatte dagegen am Freitag erklärt, Washington habe keine Einwände gegen Kiews Beitrittswunsch. "Unsere Politik ist, dass die Tür offen bleibt", sagte der Sprecher. Die Ukrainer hätten das Recht, selbst über ihre Politik zu entscheiden.

Auch eine EU-Mitgliedschaft der Ukraine hält der deutsche Außenminister auf lange Sicht nicht für realistisch. Die wirtschaftliche und **politische Modernisierung der Ukraine sei "ein Generationenprojekt"**. "Es macht deshalb heute wenig Sinn, über eine Mitgliedschaft der Ukraine in der EU in ferner Zukunft zu spekulieren", so Steinmeier. Der Außenminister mahnte die ukrainische Regierung, die notwendigen Reformen im Land endlich auf den Weg zu bringen. **"Mehr als 20 Jahre nach der staatlichen Unabhängigkeit haben es die Menschen in der Ukraine verdient, dass ihre Regierung endlich mit aller Entschlossenheit Korruption und Misswirtschaft bekämpft und wirklich Reformen an Haupt und Gliedern anpackt"**, so Steinmeier. Es gebe jetzt keine Zeit zu verlieren.

Gleichzeitig äußerte Steinmeier gegenüber dem SPIEGEL die Befürchtung, dass Moskau auch die Ostukraine dauerhaft vom Rest des Landes abspaltet. "In der Ostukraine sind die Dinge hoffentlich nicht entschieden. Ich nehme Russland beim Wort, dass es die Einheit der Ukraine nicht zerstören will", sagte Steinmeier, fügte aber hinzu: "Die Realität spricht noch eine andere Sprache."

Der Außenminister sprach sich gegenüber dem SPIEGEL vehement dafür aus, den Gesprächsfaden mit Russland nicht abreißen zu lassen und warnte vor einer unnötigen Schärfe im Dialog mit Russlands Präsidenten Wladimir Putin. "Die rhetorische Eskalation zwischen den Hauptstädten war über das Wochenende des G-20-Gipfels und danach gefährlich angeschwollen."

Kanzlerin Angela Merkel (CDU) hatte erklärt, der Westen dürfe nicht zu friedfertig sein. Steinmeier betonte allerdings, es gebe keine Meinungsverschiedenheiten mit der Kanzlerin. Solche Behauptungen seien "an den Haaren herbeigezogen".

URL:

<http://www.spiegel.de/politik/deutschland/ukraine-krise-steinmeier-gegen-nato-mitgliedschaft-der-ukraine-a-1004525.html>

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Publicity Stunts Start War On Corruption

Nov. 5, 2015, 11:15 p.m. | Ukraine — by [Oleg Sukhov](#)



Hennady Korban, leader of the Ukrop nationalist party and ally of billionaire oligarch Ihor Kolomoisky, is held in a cage in a Kyiv courtroom on Nov. 5. He is suspected of embezzlement, organized crime, kidnapping and hijacking, charges that he denies and dismisses as politically motivated. "This is just the beginning, President Petro Poroshenko vowed on Nov. 1. "Nobody is immune from prosecution for corruption." Critics have their doubts.

© (Ukrainian photo)

Several highly publicized arrests and raids are part of what President Petro Poroshenko claims is the start of a renewed law enforcement crackdown on top-level crime and corruption.

Others dismiss the recent events, however, as publicity stunts by an administration and government unwilling to surrender political control of a corrupt, subservient and ineffective judicial system.

"We don't have justice here but just a show, and as long as our prosecutor general is a puppet, the show will go on," Daria Kaleniuk, executive director of the Anti-Corruption Action Center, told the Kyiv Post.

Even Prime Minister Arseniy Yatsenyuk acknowledged the scope of the problem, saying last month that he wants all of the nation's 9,000 judges fired because "the key corruption is still in the judiciary." He also pledged to support the creation of a state investigative agency and to curb the prosecutorial powers, which he described as a "huge monster that controls everything in this country - starting with every single investigation and ending with every single investigation. This is not right."

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Money, other evidence of crime found in sea chambers of head of Kyiv Court of Appeals; wrongdoing

June 23, 2015, 1:32 p.m. | Ukraine — by [Veronika Melkozerova](#)



Anton Chernushenko

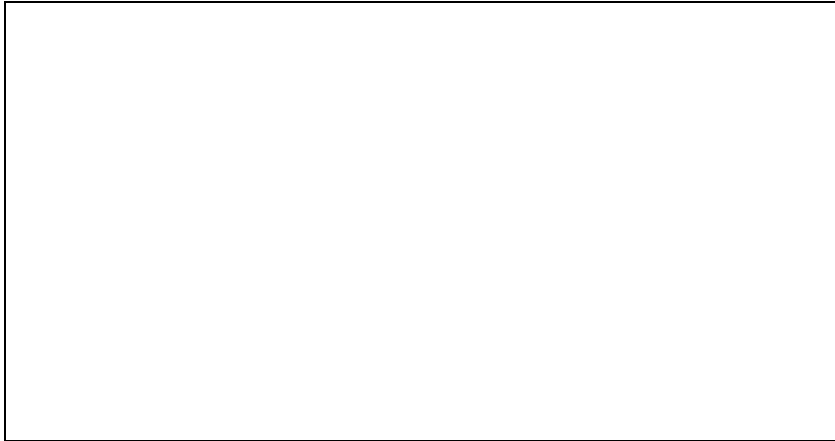
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The official video of a law enforcement search of the chambers of **Anton Chernushenko, the head of the Court of Appeals of Kyiv**, released by the General Prosecutor Office's on June 23, is cited as **a perfect illustration of how corruption works in Ukraine.**

During the search, prosecutors confiscated from the judge \$6,500, Hr 30,000, the keys to five cars (including a Mercedes, Jeep and Range Rover) registered to his relatives and cards for 14 tons worth of gasoline.

According to Ukrinform news agency, Chernushenko appeared on June 22 at a press conference and defended himself, saying the accusations against him are fabricated. "I brought Hr 25,000 because I was going to buy food supplies home after work. That day I only had one court session at 9:30 a.m. And \$6,500 I picked up because I had planned visit to the dentist and didn't know the cost of five tooth implants," the judge said. Gift cards of 14.5 tons of gasoline, according to Chernushenko, were presents from a friend, who is now abroad. "I used some cards and the rest of it I just didn't want to throw out because of a beautiful picture on them," he said.

Dmitro Chernushenko, son of the judge, told Ukrainian Pravda, that his father was detained for almost 24 hours in the Court of Appeals building. "Those people gave no comments about what is happening. And my dad said that he couldn't go out because he was blocked in his office," said Chernushenko junior on June 20.



Investigators found money, keys to luxury cars and a text message apparently instructing Anton Chernushenko, the head of the Court of Appeals of Kyiv, how to rule on a case before him.

Prosecutors showed journalists how Chernushenko refused to show investigators the document of a ruling he made as well as **money hidden in his robe.**

On the video, it can be clearly seen Chernushenko is trying to impede the investigation. At first, he refused to give access to his table, documents and other personal stuff. When the prosecution's investigator shows him a court order, Chernushenko rejects it, saying it is not authentic.

Then **the judge tried to hide something in his pockets.** Officer even had to ask him to stop.

Prosecutors have also explored Chernushenko personal messages in his mobile phone, and found texts orders from the unidentified numbers "to cancel the previous ruling," "to release under house arrest," "to reduce the bail from Hr. 30 million to Hr 500,000."

On June 22, acting Security Service of Ukraine (SBU) Head Vasyl Hrytsak accused Chernushenko of **manipulating the appellate court's computerized system of assigning court cases to judges.** The SBU is currently investigating interference in the computerized system of automatic, random assignment of cases, he said. Most courts have a single automatized system yet the appellate court developed its own with the help of a software company, Hrytsak said.

Prosecutor General Viktor Shokin told journalists on June 22 that he submitted a request to Ukraine's parliament to remove judicial immunity from

the chief judge of the Kyiv Appellate Court, Anton Chernushenko, and to arrest him. Chernushenko has declined to reveal the source of these items, Shokin said. He responded the question about where Chernushenko is now, saying the judge is watching the press briefing about his case.

Ukraine SBU corruption investigation

Is it time to scrap Ukraine's legal system and with another nation's system?

June 26, 2015, 4:05 p.m. | Ukraine — by [Brian Bonner](#)



At left, lawyer Valentyna Telychenko speaks with Eugenia Tymoshenko, daughter of ex-Prime Minister Yulia Tymochenko, and lawyer Serhiy European Court of Human Rights in Strasbourg, France, on Aug. 28, 2012.

© UNIAN

A number of lawyers and others who have looked at **Ukraine's archaic and dysfunctional legal system** have come to one inescapable conclusion: **It needs to be replaced with one that allows Ukraine to become a rule-of-law democracy** with a modern economy.

An incremental approach, they say, will not fix the fundamental flaws.

Irina Paliashivili, founder of the RULG Legal Group, leads a drive among law firms in Ukraine to find solutions to the legal problems, outlined in periodic “white papers,” the next version of which will be published in autumn.

Her conclusion?

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Irina Paliashvili

"Throw everything out, replace it with somebody else's laws," Paliashvili said. "Ukraine's legal system and judicial system need external management. Find the most modern system in European countries. I have no trust in the current judicial system, which is actually being reinforced as far as I can see. It's beyond fixing."

Paliashvili, who also chairs the legal committee of the U.S.-Ukraine Business Council, said that Ukraine is stuck in Soviet times in the legal sphere.

"What we have is a Soviet-based system and, on top of that piles and piles of special interest legislation of very bad quality. Over 20-something years, there have been piles and piles of these corrupt schemes incorporated in the legal system with zero care towards the people, towards the businesses," Paliashvili said. "That also explains the incomprehensible language of the legislation. When you find out why it's written so, you understand it's just another smokescreen behind another corruption scheme."

Daniel Bilak, managing partner of the CMS Cameron McKenna law firm in Kyiv, also said that he doesn't think Ukraine's government is capable of reforming from within.



Mykola Stetsenko

"It's not that we need to cancel all the laws in Ukraine and start over," Stetsenko said. "It's impossible and we don't need to do it." Stetsenko cited improvements in taxation, deregulation and steps towards "cleansing the judiciary and firing those judges who were absolutely corrupt" as signs of progress.

While Paliashvili, Bilak and Stetsenko are focused on civil law, the criminal justice system is also a mess, said Valentyna Telychenko, a Kyiv lawyer who has represented Myroslava Gongadze, the widow of slain journalist Georgiy Gongadze, and ex-Prime Minister Yulia Tymoshenko.

"The whole society is sick," Telychenko said. "We have prosecutors who had unlimited authority and judges who worked with prosecutors and who also had unlimited authority. It's very deep in our blood."

Paliashvili agreed, concluding: "During the Soviet period, whatever real justice people had in their mentality was eliminated the hard way, by throwing millions of people in the gulag and by using fake institutions and fake pretenses. In every person, there's common sense and intelligence, but this is not translated into legislation and the legal system. What we have now is totally imposed on the people. It's all the same clique. They are trying to save the system."

Here's their breakdown of some of the hot-button issues and possible solutions:

Estonia and Georgia as models: "Estonia did e-government. What they have in Estonia is much more advanced. Why not take something which is several steps forward? What Georgia can offer is an example of a successful anti-corruption fight and enforcement as well. If you combine those two examples, you will throw Ukraine into the stratosphere. It's now in the stone age," Paliashvili said.

Fewer but better – and enforced – laws are needed: “When the system doesn’t want to do something, it becomes extremely legalistic and extremely technical. The system serves (politicians) very well. It lets them do it. ‘The tapes must be original’ and ‘on this document, the corporate seal should be on the right side and not on the left side.’ Then when the system doesn’t want to see infringements, it ignores them,” Paliashvili said.

Cancelling the commercial code: Bilak and Paliashvili are among the lawyers critical of conflicting codes – civil and commercial – that regulate economic activity. They want the Soviet-style commercial code scrapped and the more progressive civil one kept.

“The simple thing is to cancel the commercial code. It’s useless,” Paliashvili said. “For corrupt judges, it’s a dream come true. If they cannot make a decision based on the civil code, they can issue one based on the commercial code. For business, it’s a nightmare. You have two fundamentally conflicting documents regulating the basis of entrepreneurial activities.”

Prosecutors: Prosecutors have too much power. “What Ukraine needs is a state prosecution service that represents the interests of the state in criminal matters,” Bilak said. “What we have is very broad investigative and oversight powers that go way beyond what a proper prosecution service in a democracy has,” Bilak said.

Impunity: Ukraine’s politicized system means innocent people go to jail and the guilty go free. “Until we see actually criminal investigations that result in trials and convictions, not much will change,” Stetsenko said.

Judges: “The current judges are basically blackmailing society, saying only they are experienced and only they know how to operate this legal system,” Paliashvili said. “If you throw out the old system, they are no longer relevant. They cannot blackmail anybody. A modern system will require new modern judges. You cannot replace one without replacing the other. Both have to go.”

On absence of jury trials: Politicians, through appointed prosecutors and others in the legal system, don’t want to give up control of who goes to jail and who goes free, irrespective of evidence. Telychenko said that General Prosecutor Viktor Shokin, while more competent than predecessors who staffed the prosecution service with political cronies, remains Soviet at core. And that doesn’t bode well for jury trials in the future. “He is absolutely sure that a judge should decide as the prosecutor says,” Telychenko said.

Kyiv Post chief editor Brian Bonner can be reached at bribonner@gmail.com

Ukraine court Legal Quarterly legal system

Doch was bewirken Gesetze, wenn sie keiner befolgt? „Die Eliten in den Städten wehren sich“, erzählt Victor Taran von der RPR, „wir haben es mal überprüft: Gerade mal zwanzig Prozent der Gesetze sind umgesetzt worden.“

Was wollen die Reformer? Was wollen die Bürger, denen die Reformer folgen? Sie wollen freundliche Polizisten, faire Staatsanwälte und Richter, die dem Gesetz und dem Recht verantwortlich sind statt denen, die viel Geld haben; sie wollen soziale Reformen, damit keiner hungern oder frieren muss; sie wollen Renten, die ein Alter in Würde ermöglichen; sie wollen Ärzte, Schwestern und Krankenhäuser, die bezahlbar sind und jeden versorgen; sie wollen einen föderalen Staat, damit sie nicht mehr von der Gnade der Zentrale in Kiew abhängig sind. So viele Wünsche, so wenig Zeit.

Aber an erster Stelle, weit vor allen anderen Wünschen, steht: das Ende der Korruption, die wie ein Gift die gesamte Gesellschaft schwächt und am Ende lähmt. Korruption ist kein Ding allein der Mächtigen, Korruption in der Ukraine ist alltäglich: Die gute Ärztin, die vom Staat schlecht entlohnt wird, bekommt zehn Dollar von der Patientin; die Ärztin gibt dem Lehrer zehn Dollar, damit er dem Sohn gute Noten gibt; der Lehrer, der angeblich zu schnell gefahren ist, zahlt dem Polizisten zehn Dollar und so weiter. Und der Abgeordnete, der schlecht bezahlt wird, bekommt Geld von allen, die ihn benutzen wollen. Laut einer Umfrage des Kiewer Soziologie-Instituts bekannte fast die Hälfte der Befragten: Wir haben im vergangenen Jahr Schmiergeld bezahlt, Korruption ist Teil unseres Lebens.

Vorwurf trifft auch Deutschland

„Ich habe das Zehnfache verdient als Wissenschaftler“, erklärt ein Abgeordneter aus Lemberg, „ich brauche die Politik nicht.“ Aber er will helfen, dass die Ukraine ihren eigenen Weg finden und gehen kann: „Wir müssen selber unseren Weg bestimmen. Es darf nicht noch einmal geschehen, dass uns Gebiete gestohlen werden – wie die Krim, als wir keinen Präsidenten und Oberbefehlshaber hatten und keine Armee, die stark genug war. Wir dürfen uns nicht noch einmal dem internationalen Druck beugen. Wer von denen, die auf uns eingeredet haben, hat denn wirklich Russland gestoppt?“

Das ist ein Vorwurf, der auch Deutschland trifft: Warum soll die Ukraine Rücksicht nehmen auf Deutschland und seine Beziehungen zu Russland? Horst Teltschick war zu Zeiten der Wiedervereinigung Sicherheitsberater von Helmut Kohl, er erinnert sich an Gorbatschow und seine Antwort auf die Frage nach der Nato-Mitgliedschaft: Ein souveränes Land entscheidet selbst, ob es einem Bündnis angehören möchte – und wenn Ja: welchem.

(wird fortgesetzt)

Die Reportage: Die Ukraine verstehen <<http://www.thueringer-allgemeine.de/web/zgt/leben/detail/-/specific/Die-Reportage-Die-Ukraine-verstehen->




 Ex-National Police Chief Khatia Dekanoidze (L) and Yulia Marushevskya, ex-head of Odesa Oblast's customs.

Photo by **Kostyantyn Chernichkin**

Yulia Marushevskya, the head of Odesa Oblast's customs, and National Police Chief Khatia Dekanoidze resigned on Nov. 14 just days after their ally, Mikheil Saakashvili, the former governor of Odesa Oblast, **stepped down.**


Marushevskya, a EuroMaidan Revolution activist, has headed the region's customs since October 2015.

She attributed her resignation to what she sees as **sabotage by President Petro Poroshenko** and Prime Minister Volodymyr Groysman of her efforts **to make customs clearance in Odesa more transparent and graft-free.**

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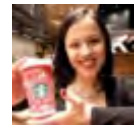
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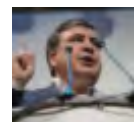
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“We have exhausted all tools for carrying out reforms, and that’s why I’m resigning,” Marushevskya said at a news briefing.

Marushevskya told the Kyiv Post on Nov. 14 that continuing to be the chief of Odesa Oblast’s customs “doesn’t make any sense.”

“The current government doesn’t want anything to be done,” she said. “Pressure (on reformers) continues, and there is no hope whatsoever that we will be able to continue this (customs) project.”

She said that “making a choice between (State Fiscal Service head Roman) Nasirov and the customs reform we are proposing, the prime minister and the president are opting for Nasirov and the preservation of corruption schemes.”

Nasirov, who has clashed with Marushevskya and threatened to fire her, previously denied accusations of sabotage.

Marushevskya told the Kyiv Post on Nov. 7 that her team had held a transparent competition for jobs at a new customs terminal and drafted legislation to launch it. However, Nasirov and Groysman have failed to pass a necessary Cabinet decree, authorize changes to customs software and build the terminal’s building, she said.

Khatia Dekanoidze, who also resigned on Nov. 14, has been head of National Police since November 2015 and was in charge of police reform. Dekanoidze worked under Saakashvili in Georgia as head of the country’s Police Academy.

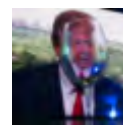
Dekanoidze listed her achievements in terms of police reform at a news briefing and said she had laid the foundation of a Western-style police force. But she added that she had not had enough powers to carry out a more radical reform.



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“...Unfortunately my authority and will were not enough for radical change. My function has been accomplished, and that’s why I’m resigning.”

She also said that the police reform would only work if the courts and prosecution service were reformed and urged all politicians to stop interfering with the National Police.

“Appointments in law enforcement agencies must not be negotiated with politicians,” she said.

Dekanoidze’s exit was preceded by that of other Georgian-born police reformers. These include ex-Deputy Interior Minister Ekaterina Zguladze-Glucksmann, as well as Grigory Grigalashvili, ex-head of the National Police’s internal security department, and Odesa Oblast Police Chief Giorgi Lortkipanidze.

The moves come as Interior Minister Arsen Avakov is accused of derailing the vetting of the police by protecting controversial officials accused of corruption and ousting civil society representatives from the vetting process. He denies the accusations.

“Today, when Khatia Dekanoidze resigned, the last hope for continuation of police reforms died,” the AutoMaidan car-based protest group said in a statement calling for Avakov’s dismissal. “Avakov, who is the longest-serving minister, not only completely failed in his main task – reforming his ministry and cleansing it from corruption – but also did his best to block this reform and preserve the old corrupt system... Keeping Avakov in his job is dangerous for the country and, unless further cleansed and reformed, Avakov’s National Police will turn into a Yanukovych-style monster.”

Saakashvili told Channel 112 that Dekanoidze had been prevented from carrying out reforms.

“The reversal of reforms started in Ukraine several

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choose the path of enriching his own clan. After the Cabinet was replaced (in April), he started horsetrading with corrupt clans in parliament. As a result, there is no place for (reformers) in this corrupt swamp.”


Saakashvili also said that “Poroshenko wanted to have a beautiful facade behind which they wanted to imitate reform without seriously changing anything.”

Saakashvili last week announced plans to create a new political party and come to power.

Marushevskya said that she supported Saakashvili’s plans to set up a new party and that she wanted to be “useful” for his drive to replace the current political elite. She did not specify, however, whether she would join the party.

Earlier this year about 20 top reformers quit government jobs. These include ex-Deputy Prosecutor General Davit Sakvarelidze, a Saakashvili ally, as well as Sasha Borovik and Maria Gaidar, who resigned as deputies of Saakashvili in May.

Though Borovik and Gaidar said then they would stay on as aides, Marushevskya said they had effectively not worked in the region since May.

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**The
Economist****Anti-anti-corruption measures**

Ukraine's reform activists are under attack

With fake news, threats and arrests, a corrupt system is fighting back[Print edition | Europe >](#)

Aug 24th 2017 | KIEV

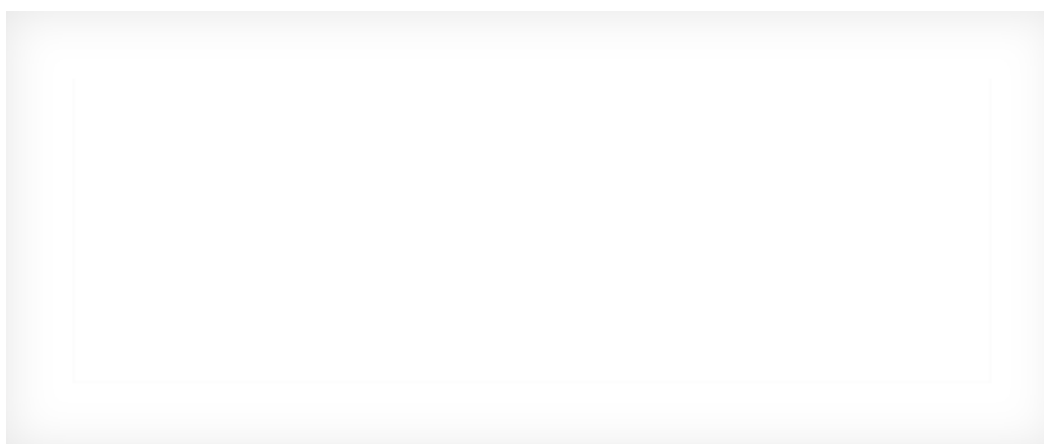


"AUTHORITIES confirm they've made progress in an investigation into the finances of anti-corruption activist Vitaliy Shabunin," drones the anchor of an American television network, News24, in a clip recently shared across Ukrainian social media. There is only one problem: there is no News24, and the anchor is not a journalist but an actor hired through a freelance site, Fiverr.com. "I assumed the video was a prank his friends were playing on him," says the actor, Michael-John Wolfe.

The "fake news" bulletin was an illustration of the increasingly hostile environment facing anti-corruption activists, journalists and reformist officials in

Ukraine. "I cannot escape the feeling that we're living through a counter-revolution," writes Yaroslav Hrytsak, a historian at Ukrainian Catholic University. This is partly a backlash against reforms, particularly the new National Anti-Corruption Bureau (NABU). By allowing such measures, the political elite "opened Pandora's box," says Yaroslav Yurchyshyn, the executive director of Transparency International Ukraine.

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Now they are trying to close it. This spring Ukraine's parliament passed a law requiring NGOs and their employees to submit asset declarations, drawing stern rebukes from Western embassies. Ukrainian editors are concerned that security services are carrying out surveillance on journalists. (The president, Petro Poroshenko, denies it.) Anti-

corruption activists increasingly find themselves derided as "agents of Putin" or *grantoedy* ("grant-eaters"). In April a mock funeral procession gathered outside the home of Olga Balytska, a reformist Kiev city-council member, carrying a coffin plastered with her photograph. "It's one thing when people criticise you on Facebook, it's another when they threaten death," Ms Balytska says.

One key target is the Anti-Corruption Action Centre (AntAC), an NGO jointly led by Mr Shabunin (pictured). An MP has peddled false accusations that the group embezzled American government funds. Tax police opened an investigation into its finances. When protesters gathered outside Mr Shabunin's home, investigative

journalists revealed that an officer of the Security Service of Ukraine (SBU) oversaw them. (The SBU says he was there by chance.) In mid-August Mr Shabunin punched a video blogger, Vsevolod Filimonenko, whom he accuses of having harassed him and his colleagues for months (Mr Filimonenko says he is simply a journalist who “asks tough questions”). Mr Shabunin now faces a potential three-year sentence; the severity of the response led many to see the case as politicised.

AntAC argues that the “systemic campaign” is meant to discredit NABU and its supporters. This spring the bureau made its first high-level arrests, bringing charges against Roman Nasirov, the former head of Ukraine’s fiscal service, and Mykola Martynenko, a powerful former lawmaker. “The deeper we probe, the more resistance we face,” says Artem Sytnyk, NABU’s director. The next big battle concerns Ukraine’s courts, which Mr Sytnyk accuses of “sabotaging” his bureau by convicting only low-level figures. Even a man who tried to bribe his way into a job at the Anti-Corruption Bureau avoided serving prison time, he notes contemptuously.

The reformers want a new independent anti-corruption court for the anti-corruption prosecutor, named in 2015. In the past the West helped push through such measures by attaching strict conditions to IMF loans and European Union aid. But Ukraine’s economy has stabilised and is less reliant on IMF loans, and the EU has granted Ukraine visa-free travel. “There are now fewer instruments to influence the Ukrainian leadership,” says Volodymyr Fesenko of Penta, a think-tank. And as the presidential election in 2019 approaches, reform will take a back seat to winning.

This article appeared in the Europe section of the print edition under the headline “Anti-anti-corruption measures”

Citing lack of criminal convictions, Venice Commission backs anti-corruption courts, rejects Poroshenko

By **Oleg Sukhov**.

Published Oct. 9. Updated Oct. 9 at 5:00 pm



State Fiscal Service Chief Roman Nasirov, a suspect in a graft case and an ally of President Petro Poroshenko, at the Kyiv Court of Appeal on March 13. However, given a lack of anti-corruption courts, Nasirov is not even on trial and is unlikely to be convicted by existing courts.

Photo by Volodymyr Petrov

The European Commission for Democracy through Law, better known as the Venice Commission, on Oct. 9 rejected President Petro Poroshenko's idea of creating an anti-corruption chamber within Ukraine's existing court system.

Instead, the commission supported legislation to create independent anti-corruption courts, a measure sponsored by opposition lawmakers and supported by Ukraine's civil society as an essential step in bringing long-overdue justice to Ukrainians.

The commission said, in its official opinion, that "corruption is one of Ukraine's major problems, and parts of the judiciary itself have for many years been considered as weak, politicized and corrupt."

Further: "The ongoing reform of the judiciary, which includes vetting of all judges, is a long-term process and will, according to estimates, not be completed for four or five years. Given the high expectations by civil society after the Revolution of Dignity (EuroMaidan Revolution that deposed President Viktor Yanukovich on Feb. 22, 2014), following the establishment in 2016 of specialized law-enforcement bodies competent for grand corruption cases (the National Anti-Corruption Bureau of Ukraine and the Special Anti-Corruption Prosecutor's Office), and noting the complete absence of convictions in such cases, international organizations, including the European Union and foreign donors, have repeatedly called on Ukraine to set up a High Anti-Corruption Court."

As the content of the Venice Commission decision started to become known ahead of its official release, Poroshenko on Oct. 4 seemingly reversed course and announced he is dropping his long-standing opposition to anti-corruption courts.

Poroshenko said he would create a working group to find a compromise between the government and the opposition on anti-corruption courts. However, Poroshenko's critics are skeptical of his statement, seeing it as another ploy and delay tactic.

Anti-corruption activists praised the Venice Commission's decision as a victory for Ukraine's civil society, but said Poroshenko still had a lot of opportunities to block the anti-corruption court's creation.

"The president's main strategy will be to stall for time," Anastasia Krasnosilka, an expert at the Anti-Corruption Action Center, told the Kyiv Post. "He's already outlined this strategy by proposing the creation of a working group."

The need for a special anti-corruption court outside the conventional judiciary system is emphasized by the appointment of 25 discredited judges deemed corrupt or dishonest by a civic watchdog to

the Supreme Court on Sept. 29, critics argue.

Opposition bill

The commission said that legislation on an anti-corruption court should be based on bill No. 6011, which was submitted by opposition lawmakers Yegor Sobolev, Sergii Leshchenko and others in February, and urged Poroshenko to submit legislation similar to the opposition bill.

"Many of the provisions of the draft law on anti-corruption courts (draft law No. 6011) provide a good basis for the establishment of the High Anti-Corruption Court in line with Council of Europe and Venice Commission standards," the commission said. "That said, several recommendations should be taken into account, in particular, to reduce the risk that the law could be considered unconstitutional."

The bill envisages recruiting a special anti-corruption court for the NABU and an appeal anti-corruption panel at the Supreme Court. According to the legislation, anti-corruption judges will be appointed through an open and transparent competition, with the participation of civil society and representatives from Western countries. Anti-corruption judges would have higher wages and security guards to ensure their independence and safety.

The commission also said that "the key components of the current draft should be maintained, namely the establishment of an independent High Anti-Corruption Court and an appeal instance, whose judges would be of impeccable reputation, adequately protected and who would be selected on a competitive basis in a transparent manner."

"Temporarily, international organizations and donors active in providing support for anti-corruption programs in Ukraine should be given a crucial role in the body competent for selecting specialized anti-corruption judges, similar to the role envisaged for them in draft law No. 6011," the commission said.

Special courts

The opposition bill has been lambasted by Poroshenko and his allies. In March, the presidentially controlled High Council of Justice claimed that the bill contradicted the constitutional ban on "special and extraordinary courts."

The Venice Commission argued that the constitutional ban did not apply to the anti-corruption court "because it does not jeopardize the unity of the judiciary."

"However, deviations from the general rules should be limited to what is necessary for the anti-corruption courts to work effectively, and care must be taken to avoid the possible impression that anti-corruption judges are a different or privileged class of judges," the commission argued. "The level of remuneration for judges of the High Anti-Corruption Court should be reconsidered; it should be commensurate with the increased demands of their position, but should not differ too much from conventional judges' remuneration."

Political influence

Under the opposition bill, the Verkhovna Rada, the president and the cabinet will each delegate three commission members to appoint anti-corruption judges.

The Venice Commission said, however, that members of the body selecting anti-corruption judges should not be designated by political figures.

"Additional safeguards should be introduced to ensure that the procedure for the appointment of judges is independent of the executive and legislative powers," the commission said. "This could be achieved, for instance, by giving a non-political agency such as the High Qualification Commission of Judges the right to nominate members to that body - subject to the role of international donors as discussed in the opinion."

Meanwhile, the High Qualification Commission has itself been criticized for being controlled by Poroshenko and the People's Front party - an accusation that it denies.

Government bill

The Venice Commission also harshly criticized bill No. 6529 on anti-corruption chambers, which has been pushed for by Poroshenko and is sponsored by Poroshenko Bloc lawmaker Serhiy Alexeyev.

"The approach of draft law No. 6529 deviates from the international obligations of Ukraine to set up a specialized anti-corruption court, and from the original idea to give a response to the inefficient adjudication of cases investigated and prosecuted by NABU and the Special Anti-Corruption Prosecutor's Office, i.e. of high-level corruption cases," the commission said.

Alexeyev's bill stipulates appointing anti-corruption judges at lower courts through a competition process that has been criticized by non-governmental organizations as non-transparent. Until such competitions are held, incumbent judges of Ukraine's discredited and corrupt judiciary will choose anti-corruption judges from among themselves - a practice that may continue for a long period of time.

At appeal courts, there will be no competitions at all, with anti-corruption judges chosen by incumbent judges, according to the legislation.

In addition, Alexeyev's bill does not stipulate that anti-graft judges should have higher wages or have security guards allocated to them.

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October 6, 2017

The Big Fail

Poroshenko's judicial overhaul ends acrimoniously

BY OLEG
SUKHOV and
OKSANA
GRYTSENKO

SUKHOV@KYIVPOST.COM and
GRYTSENKO@KYIVPOST.COM

In recent weeks, President Petro Poroshenko has been trying to sell what he says is as a comprehensive package of judicial reforms.

But the much-touted changes are already seen as damaged goods.

The consequence, critics say, is failure to make any of Ukraine's three main legal institutions — the discredited Soviet-era courts, prosecutors and police — any more trusted, independent or effective than they are today. And this means that Ukrainians quest for justice is

going to be put on hold indefinitely, likely making Ukraine's incumbent politicians even more unpopular.

First, the High Council of Justice, which is controlled by presidential allies, on Sept. 29 appointed 111 new Supreme Court judges, including 25 discredited judges vetoed by the Public Integrity Council, a civic society watchdog.

The vetoed candidates include those under investigation for corruption and other alleged crimes, judges who presided over politically motivated trials, those whose assets do not match their income, and ones with clear conflicts of interest, according to the advisory watchdog.

The council said on Oct. 3 that it had "grounds to assume that the competition was rigged to appoint candidates handpicked beforehand, and the Public Integrity Council was used to

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Opinion

Anti-corruption court is only salvation for judicial reform

ANASTASIA
KRASNOSILSKA



After more than a year of denigrating an anti-corruption court and resisting pressure to create it, President Petro Poroshenko abruptly switched tactics on Oct. 4. He suddenly called for the creation of an independent court to preside in trials involving defendants accused of major corruption.

But nobody should be fooled. This is no change of heart. Instead, Poroshenko is stalling again. His approach is to create a working group in parliament to reach consensus on what the anti-corruption court should look like. This delay tactic condemns the creation of an anti-corruption court to the distant future, if ever.

At the same time, parliament passed detrimental amendments to the criminal procedure code which significantly undermine the possibility to investigate all serious crimes in Ukraine, including top corruption cases.

The role of the unreformed, distrusted trial courts increases tremendously in top criminal investigations. A pretrial investigative judge, to some extent, replaces a prosecutor, acquiring powers to decide whether the case should be further investigated and brought to court or closed.

The urgency for creating a truly independent anti-corruption court increases by the day.

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The photos show Lady Justice outside Kyiv's appeals court and the gates to Ukraine's Supreme Court. Many of the 11 newly appointed justices are criticized for their marred biographies. The Public Integrity Council, a civic society watchdog, vetoed 25 of them on suspicion of corruption. (Kostyantyn Chernichkin, Volodymyr Petrov)

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Poroshenko fiddles with process, as thieves and murderers escape justice

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legitimize this process."

Poroshenko and the High Council of Justice denied the accusations.

"The Supreme Court will start operating this year, and this will be its best composition since Ukraine became independent, because academics, legal scholars, lawyers, human rights activists and lower-level judges will become (Supreme Court) judges for the first time," Poroshenko said on Oct. 4.

Second, the Verkhovna Rada on Oct. 3 passed a judicial reform bill that would effectively halt many high-profile criminal cases, including major corruption cases and those into crimes committed during the EuroMaidan Revolution that drove President Viktor Yanukovich from power on Feb. 22, 2014.

It also made many other investigations impossible, critics of the legislation say.

And third, Poroshenko has blocked the creation of an independent anti-corruption court for more than a year. He tried to finesse Western and public pressure on Oct. 4, admitting that such a court was necessary, but adding caveats that make it appear he is again stalling for time. Some people think that Poroshenko's focus

is to make as few changes as possible until the March 2019 presidential and parliament elections.

Tainted court

The Public Integrity Council on Oct. 3 urged Poroshenko not to sign any Supreme Court judges' credentials until courts rule on alleged violations that occurred during the Supreme Court competition, and until the High Council of Justice and the High Qualification Commission explain why they rejected the Public Integrity Council's vetoes on candidates deemed corrupt or dishonest.

The violations of the High Council of Justice and the High Qualification Commission include setting a third minimum score for candidates during the first stage of the competition, failing to set a minimum score for psychological and social testing, and refusing to publish candidates' practical work and scores given under each criterion of integrity and professional ethics, the civic watchdog said.

The High Council of Justice and the High Qualification Commission have denied that they committed any violations.

The Public Integrity Council also

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Little progress in high-profile criminal cases

BY OKSANA GRYSSENKO
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Although there has been limited progress in major criminal investigations, no major breakthroughs have happened since the EuroMaidan Revolution that drove President Viktor Yanukovich from power in 2014.

EuroMaidan cases

Only one person — a paid pro-government thug, or "titushka" — is behind bars for crimes against protesters. The other 35 people convicted for EuroMaidan crimes so far were given fines or suspended sentences.

Five Berkut riot police officers are currently on trial on charges of murdering demonstrators, and Prosecutor General Yuriy Lutsenko promised in September to send to court the case against the organizers of EuroMaidan murders by the end of the month.

However, the case has not yet gone to trial. Sergii Gorbatur, who oversees in absentia trials at the Prosecutor General's Office, has argued that the cases cannot be sent to trial because the Ukrainian authorities have so far failed to bring legislation on such trials into line with international standards.

In April, four Berkut officers charged in EuroMaidan cases fled to Russia after being released by courts.

Yanukovich cases

Only one top official who served ex-President Viktor Yanukovich, ex-Justice Minister Oleksandr Lavrynovych, is on trial on graft charges.

In March, a Kramatorsk court confiscated \$1.5 billion in funds linked to Yanukovich associates. But critics have dismissed the confiscation hearings as a political show. Both the investigation and the trial were conducted in secrecy and over just two weeks, and the ruling has not been published.

Prosecutors also sent a high trea-

son case against Yanukovich to trial in March, accusing him of urging Russia to send its troops to invade Ukraine in 2014.

Incumbent corruption

State Fiscal Service Chief Roman Nasirov, an ally of President Petro Poroshenko, and ex-People's Front lawmaker Mykola Martynenko were charged by the National Anti-Corruption Bureau in graft cases in March and April, respectively. However, the cases have not been sent to trial yet.

Poroshenko's top allies Ihor Kononenko and Oleksandr Hranovsky, who are under investigation in several graft cases, have not been officially charged yet.

Separatism cases

Yanukovich ally Oleksandr Yefremov is now in custody and on trial on charges of separatism.

An Odesa court on Sept. 18 acquitted 20 pro-Russian activists charged with taking part in clashes with pro-Ukrainian protesters on May 2, 2014, which resulted in dozens of deaths. Five of them were released from custody, while two were re-arrested.

Court hearings on Kharkiv Mayor Gennady Kernes, charged with kidnapping, torturing and threatening to murder EuroMaidan activists, started in March 2015. However, Kernes is not even under arrest, and the trial has seen no progress.

Ex-Sloviansk Mayor Nelia Shtepa, who was arrested in 2014 on separatist charges, was released from custody and put under house arrest in September.

Ilovaisk massacre

In August the Prosecutor General's Office published a report blaming Russia for the massacre of hundreds of Ukrainian troops during the Battle of Ilovaisk in 2014.

However, prosecutors have been criticized for ignoring the alleged negligence and incompetence of Chief of Staff Viktor Muzhenko and then Defense Minister Valery Heletei during the battle. They have not faced any charges.

Terror attacks, ammo depots

Earlier this year Georgian-born Timur Makhauri and intelligence officers Maksym Shapoval, Yuiy Vozny and Oleksandr Kharaberiush were killed in car explosions. Russia was blamed for the murders but no charges have been filed yet. Denis Voronenkov, a former pro-Kremlin Russian lawmaker, was gunned down in central Kyiv in March. His assassin, who was fatally wounded on the spot by Voronenkov's bodyguard, turned out to be Ukrainian, but the investigation found he had links with Russia. In September, prosecutors claimed the murder case had been solved but have not named any suspected organizers of the murder so far.

Three big ammunition depots have been destroyed by fires or explosions over the last six months. The most recent one occurred on Sept. 28 in Kalynivka in Vinnytsia Oblast. The authorities didn't name any attackers.

Journalist murders

No suspects have been named in the high-profile murder of Ukrainian-Belarusian journalist Pavel Sheremet in July 2016.

Investigators have so far failed to name the organizers of the 2000 murder of Georgy Gongadze, editor-in-chief of the Ukrainska Pravda website. Ex-police general Oleksiy Pukach was sentenced to life for this murder in 2013, but others implicated in the crime, including former President Leonid Kuchma, have never been charged.

Bank fraud

In December the government nationalized Privatbank, putting the burden of the bank's losses — worth \$5.6 billion — on the country's taxpayers. Central bank officials and anti-corruption watchdogs accused the bank's former owners Ihor Kolomoisky and Gennadiy Bogolyubov of embezzlement and bank fraud. In July, the Prosecutor General's office opened a criminal probe against the former executives of Privatbank for making the bank insolvent. But no charges have been filed so far. ■

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Ukraine's corrupt still free as Poroshenko resists push for judicial independence

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asked Poroshenko to initiate an international audit of the Supreme Court competition and a restructuring of the High Council of Justice and the High Qualification Commission, which the watchdog said have failed to restore trust in the judiciary.

Cases stalled

Another controversial measure was the adoption by parliament on Oct. 3 of amendments to procedural codes that make the functioning of the new Supreme Court possible.

One of the amendments will make it impossible to investigate many criminal cases, critics of the legislation say. Due to the legal chaos surrounding its adoption, its exact wording was unclear as of Oct. 5.

Under the amendment, prosecutors would have to file notices of suspicion for suspects in criminal cases within six months for grave crimes, and within three months for crimes of medium severity. Otherwise, such cases would have to be closed.

Moreover, all cases must be sent to trial within two months after a notice of suspicion is filed, according to the amendment.

This clause was initiated by Radical Party lawmaker Andriy Lozovy.

Sergii Gorbatur, head of the department on in absentia cases at the Prosecutor General's Office, said that Lozovy had a conflict of interest in this case, because the bill will let him escape prosecution himself. Lozovy is suspected by the Prosecutor General's Office of evading taxes worth Hr 1.83 million.

Gorbatur also said that all ongoing EuroMaidan investigations would have to be closed because of the bill. "It's impossible to investigate complicated crimes, especially corruption and economic crimes, within such terms," Vitaly Shabunin, head of the Anti-Corruption Action Center's executive board, said on Facebook. "This kills anti-corruption reform and any legal responsibility for any serious crimes."

Shabunin said the clause would enable the authorities to close corruption cases against State Fiscal Service Chief Roman Nasyrov, ex-People's Front lawmaker Mykola Martynenko, and Central Election Commission Chairman Mykhailo Okhondovsky.

The Reanimation Package of Reforms urged Poroshenko to veto the amendments, and they were even criticized by Interior Minister Arsen Avakov and Anatoly Matios, the chief military prosecutor.

Lozovy dismissed the accusations, saying that his clause will prevent delays in legal proceedings and protect people from groundless charges.

End to transparency

Another amendment to procedural codes allows judges to ban the filming of court hearings even in open trials, and to prevent visitors from attending them if there are not enough seats. Critics say this will deal a major blow to the judiciary's transparency.

Reformist lawmaker Sergii Leshchenko said the amendments would increase court fees and make courts "a privilege for the rich."

The amendments also give state experts a monopoly on forensic examinations, and only a court would be able to authorize a forensic assessment. Shabunin argued that this clause would allow the authorities to control and block forensic assessments.

Moreover, the amendments ban the National Anti-Corruption Bureau of Ukraine from filing motions with any other court than Kyiv's Solomyansky Court, where the NABU is registered. Critics argue that this is an effort by the authorities to restrict the NABU, since they suspect the government has influence over the



Anti-corruption activists protest by the building of High Qualification Commission of Judges on March 1 demanding to publish the profiles of the candidates for the Supreme Court. They wear the black robes of judges and black masks and the posters saying "It's not your business" as a symbol of secrecy of the process of choosing the judges. The 25 out of 111 judges appointed for Supreme Court on Aug. 29 had been vetoed by the Public Integrity Council, a civic society watchdog. (Volodymyr Petrov)

Solomyansky Court judges.

Anti-corruption court

Another crucial aspect of judicial reform is the creation of an independent anti-corruption court, which would be capable of jailing corrupt officials — something the discredited conventional courts have failed to do.

Poroshenko on Oct. 4 finally caved in to pressure, and said that he would support legislation to create anti-corruption courts. Previously, he had resisted the idea, proposing so-called "anti-corruption panels" at existing courts instead.

He suggested creating an anti-corruption court, an anti-corruption chamber at the Supreme Court, and representative offices of the anti-cor-

ruption court in the regions, while at the same time holding competitions to choose anti-corruption judges at lower-level courts in Kyiv.

"An anti-corruption court should be created as the result of a competition, with civil society's oversight," Poroshenko said. "But it cannot be turned into a kind of political inquisition, which some people are dreaming about."

Poroshenko proposed creating a working group and reaching a consensus between the opposition and the government.

The crucial issue is whether the competition for an anti-corruption court will be carried out transparently and independently, or whether

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Tainted judges to dominate new Supreme Court

BY OLEG SUKHOV AND
OKSANA GRYTSENKO

More than 20 percent – 25 of the 111 judges appointed by the High Council of Justice to the new Supreme Court – do not meet ethical standards and are deemed corrupt or dishonest, according to the Public Integrity Council, a civil society watchdog.

Apart from these, the Public Integrity Council has concerns about the integrity of about 60 more Supreme Court judges.

Court corruption

One of the most controversial new judges of the Supreme Court is Bohdan Lvov, chairman of the High Commercial Court and reportedly the frontrunner to become the Supreme Court's chairman.

The Public Integrity Council, citing its sources, called Lvov a "placeholder of Viktor Tatkov," the ex-chairman of the High Commercial Court, who has been accused of spearheading a large-scale corruption scheme – a claim denied by Lvov.

Tatkov and his ex-deputy Artur Yemelyanov have been charged with influencing court rulings by illegally interfering in the automatic distribution of cases during the rule of ex-President Viktor Yanukovich.

The High Commercial Court's judges, including Lvov, voted to effectively get rid of the automatic distribution of court cases by assigning just one judge to each judicial specialization, which would allow Tatkov and Yemelyanov to handpick judges for cases that they wanted to profit from, according to the Public Integrity Council.

Vitaly Tytych, a member of the Public Integrity Council, believes that this makes Lvov and other High Commercial Court judges accomplices in the Tatkov-Yemelyanov case.

Lvov, who at the time of the alleged crime was one of the judges working under Tatkov, has been investigated in the case but has not been charged. However, he didn't cooperate with investigators, the council said. Lvov denied commit-



Prosecutor General Yuriy Lutsenko sits for trial in Pechersk District Court in Kyiv on Aug. 17, 2012. Lutsenko was sentenced to four years in jail in a case which the Council of Europe later found being politically motivated. Lutsenko's sentence was endorsed by two judges selected on Sept. 29 for the new Ukrainian Supreme Court. (UNIAN)

ting any violations when he voted for judges' specialization and said he was cooperating with investigators.

Tatkov and Yemelyanov denied all accusations of wrongdoing. Yemelyanov's wife has been found to have an account in the United States accounts as Lvov's mistress.

When Tatkov left his post, Lvov, who replaced him as chairman of the High Commercial Court, helped to maintain Tatkov's influence on the court's judges, according to the Public Integrity Council.

Lvov kept Tatkov's placemen, gave Tatkov a luxury office, and did not initiate the suspension of judges who were involved in Tatkov's alleged corruption schemes, the council added.

According to the Public Integrity Council, Tatkov schemed to make Lvov his successor as the court chairman after the EuroMaidan Revolution overturned Yanukovich's regime in 2014.

Lvov took care of his predecessor. The Public Integrity Council believes that Lvov falsified the conclusion that Tatkov is not subject to lustration under the law on the dismissal of top officials who served ex-President Viktor Yanukovich. Tatkov was fired under the lustration law in 2016 and fled the coun-

try the same year.

Lvov said he did not have the right to analyze whether lustration applied to Tatkov, and dismissed accusations of wrongdoing.

The Public Integrity Council's Tytych says that the Security Service of Ukraine, or SBU, is covering up for Tatkov, Yemelyanov and Lvov, and is carrying out surveillance over investigators who are pursuing the case. The SBU did not respond to a request for comment.

"If (the investigators) touch these jackals, they'll be destroyed," Tytych says. "Pressure is so high on them and will be even worse if they touch Lvov or some of the appointed Supreme Court judges."

Lvov is also under investigation in a criminal case against High Council of Justice member Pavlo Grechivsky, who has been charged with fraud, but who voted for Supreme Court candidates nonetheless, according to a court ruling and testimony given by an intermediary charged in the case. According to the testimony, Grechivsky has promised to help in a legal dispute with Lvov's assistance for \$500,000.

Lvov said the testimony was a lie, although he has admitted being acquainted with Grechivsky.

Political cases

New Supreme Court judges Vyacheslav Nastavny and Serhiy Slynko participated in the political persecution of Yuriy Lutsenko, now prosecutor general, and the Pavlychenko family under ex-President Viktor Yanukovich.

The European Court of Human Rights and the Parliamentary Assembly of the Council of Europe have ruled that there were legal violations in the Lutsenko case. The European Union's parliament and five EU ambassadors have recognized the Lutsenko case as political, while in 2014 the Verkhovna Rada passed a law to rehabilitate Lutsenko and others as political prisoners.

Maidan cases

New Supreme Court judge Larysa Moroz lied in her asset declaration in 2016, not mentioning that she inherited in 2013 a 56-square-meter house, which she later sold, according to the Public Integrity Council.

Moroz has also canceled the High Council of Justice's decision to fire two judges who ordered the unlawful arrest of EuroMaidan activists, the council said.

Another new judge of the Supreme Court, Iryna Saprykina, lied in her asset declaration by not including the property of her daughter, the Public Integrity Council said. She also banned peaceful assemblies in Kyiv in 2013.

Good judges

Very few new Supreme Court judges stand out as notable exceptions, having good reputations.

One of them is Dmytro Hudyma, who teaches law at the National Lviv University. The Public Integrity Council found no violations in his asset declarations and said he is well-known as a pro bono human rights lawyer.

Another is Oleksandr Mamaluy, who was a judge of the Commercial Court of Kharkiv Oblast when he was drafted into the army in March 2014 following Russia's annexation of Crimea. Mamaluy served as a sniper in the war zone and won a medal for courage. ■

Law to create anti-corruption court blocked by president

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er the process will be under the control of the discredited current establishment.

According to a bill sponsored by Leshchenko, Yegor Sobolev and other reformist lawmakers, anti-corruption judges will be appointed through an open and transparent competition, with the participation of civil society and representatives from Western countries. The judges would have higher wages and security guards to ensure their independence and safety.

Poroshenko, who dismissed the opposition bill as a "PR stunt" on Oct. 4, favors a competing bill submitted by Serhiy Alexeyev, a lawmaker from the Poroshenko Bloc, on the creation of anti-corruption chambers.

Alexeyev's bill stipulates appointing anti-corruption judges at lower courts through competitions that have been criticized by non-governmental organizations as being non-transparent.

Until such competitions are held, incumbent judges of Ukraine's discredited and corrupt judiciary will choose anti-corruption judges from among themselves, and this could continue for a long period of time, according to the bill. At appeal courts, there will be no competitions at all, with anti-corruption judges chosen by incumbent judges.

Poroshenko's critics are skeptical about his recent statement on anti-graft courts, seeing it as another ploy.

Shabunin said the working group was a delaying tactic, while Leshchenko said Poroshenko would likely push for the competition for the anti-corruption court to be held under the guidance of the High Council of Justice and without foreign experts.

That would put the competition under government control, rendering it meaningless, Poroshenko's critics argue. ■

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France's ambassador: Priority No. 1 is anti-corruption court

By **Brian Bonner**. Published Oct. 13. Updated Oct. 13 at 9:57 am



🖼️ French Ambassador to Ukraine Isabelle Dumont plays in the symphony orchestra of the Kharkiv Regional Philharmonic on May 12, 2016.

Photo by **UNIAN**

If Ukrainian President Petro Poroshenko thinks he can drag out the process of creating a credible anti-corruption court without anybody noticing, he's got another thing coming.

People are getting wise to the president's ways of stalling on crucial reforms.

Backed on Oct. 6 by the European Commission for Democracy through Law, better known as the Venice Commission, the West delivered an unambiguous opinion to Poroshenko: Establish rule of law, a key component of which for Ukraine is the creation of an independent anti-corruption court.

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Just ahead of the Venice Commission findings, Poroshenko switched sides. After denigrating the idea of such a court for a year, he came out in favor, at least nominally adopting the same long-held position of many Ukrainians and their friends abroad.

France is among them.

“We are supporting firmly the establishment of an independent, specific anti-corruption court,” French Ambassador to Ukraine Isabelle Dumont told the Kyiv Post in an Oct. 10 interview in Kyiv.

Such a court can and should be set up by the end of the year, Dumont says.

‘Top priority’

“If there has to be only one reform made until the end of the year, it is the creation of an anti-corruption court with judges who have integrity,” Dumont said. “This is really the top priority. You won’t have foreign investments until investors know that, if they are facing a problem, they have a proper judicial system. Take the population — people will not stay in this country if they feel that they cannot trust the justice system. The socioeconomic way forward in Ukraine is linked to the justice system.”

The courts are only one facet of deep problems in Ukraine’s legal system, including distrusted and ineffective police and prosecutors. As for the newly appointed 111-member Supreme Court, she said, it is too early to judge.

While Dumont praised successful reforms since President Viktor Yanukovich fled power in the EuroMaidan Revolution on Feb. 22, 2014, the failure to fight corruption and build effective legal institutions is a glaring omission.

“We do have to worry that it has not been done yet after three years,” she said.

No EU offer forthcoming

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Without progress, Ukraine's politicians can forget about any offer to join the European Union, from France's perspective at least.

"This is not on the agenda," Dumont said. "EU membership cannot even be mentioned when the situation with corruption is what it is today in Ukraine."

Dumont said Ukraine's priority with the EU should be fully implementing the political and trade association agreement that came into effect this year.

"Believe me, there's a lot to do in this area," she said.

Some lawmakers in Ukraine are seeking EU approval for a "Marshall Plan," named after the post-World War II reconstruction program for Europe. They envision a multibillion-dollar annual aid and investment program for Ukraine.

Dumont says that it's hard to take such requests seriously while billionaire oligarchs like Ihor Kolomoisky are able to allegedly steal \$6 billion from PrivatBank, bankrupting the nation's largest private bank and forcing the Ukrainian government to take ownership and pay out the losses with taxpayer money.

Despite the accusations of Kolomoisky's bank fraud, from no less an authority than the National Bank of Ukraine, the politically powerful oligarch — who owns energy companies, media outlets and Ukraine International Airlines — is facing no legal consequences.

"We are not forgetting about" PrivatBank, Dumont said. "We know what happened. We are following very closely. People should not forget that a big part of the money given to Ukraine through the EU, International Monetary Fund and European Bank for Reconstruction and Development is money from the French taxpayer."

The Kolomoisky case and others reinforce the conclusion that Ukraine remains an oligarchy.

“What is at stake now is to transform the situation from an oligarchic economy to a more regular economy with rule of law and a functioning judicial system,” she said.

“There is no need for more money in this country.

Ukraine is a rich country with poor people. The problem is getting the wealth better distributed to the population. The problem is keeping the wealth in the country and not evaporating somewhere else. The problem is having big businesses paying their taxes to the budget. The problem is to have rich people not using their money to buy judges in order to continue with impunity.”

Sanofi test case

After 26 years as a nation, Ukraine remains starved for foreign investment — attracting only \$50 billion, far less than many neighboring countries and not enough to lift millions out of poverty in a nation with an economy output of just \$100 billion.

Attracting investment requires strong rule of law, Dumont says, and French companies have had their share of bad experiences with Ukraine’s corrupt courts and bureaucracy.


One court case being watched by France as a bellwether of Ukraine’s investment climate involves the Ukrainian division of Sanofi Group, a global pharmaceutical company.

Sanofi accuses a Ukrainian vendor of stealing nearly \$1.9 million through forged documents. A Kyiv business court of appeals upheld the vendor’s claim on Oct. 5. Consequently, Sanofi is appealing the ruling to a higher court and has threatened to file an international arbitration claim against the Ukrainian government. The company alleges that the fraudulent actions took place with the help of representatives of the judicial system and law enforcement, Interfax-Ukraine reported.

According to STAT news, which covers the pharmaceutical industry, the Sanofi dispute involves a

contract with a vendor that supplied promotional materials to pharmacies.



 A scientist works in the biotechnology department of French pharmaceutical company Sanofi on Sept. 28 near Paris. (AFP)

“The company hopes that the country’s leadership will take all necessary steps to stop financial raiders, whose actions cause significant damage to the country’s investment image and cause outflow of foreign direct investment from Ukraine,” the company’s press service said, quoting Guilhem Granier, director of Sanofi-Aventis Ukraine.

“The Sanofi case is very important,” Dumont said. “It is a test case for Ukrainian justice. We will see what the court will decide in the end. Sanofi has given proof that this money should not belong to the firm that claims it. Ukrainian authorities are aware of the whole situation.”

International litigation “would be quite bad news for Ukraine,” Dumont said. “Sanofi is known internationally as one of the world’s largest pharmaceutical companies. They are not facing this sort of problem in other countries. I hope Ukrainian authorities will understand the symbolic importance of this issue, for what it means for foreign investments.”

Investors ‘waiting’

Such disputes, coupled with the lack of an independent judiciary, keep many French investors away, Dumont says.

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“French investors are interested in the market. They would like to come,” she says. “One message that comes regularly — and this is the core of the difficulty as I can see it — is that small business cannot afford to come into Ukraine. For most of them, it’s too complicated. The big companies, they don’t care. I say that with all friendship and love to Ukraine. But they don’t need Ukraine to make themselves bigger.”

Although Ukraine has “a big market and a big population,” companies also worry that doing business in Ukraine will harm their reputations.

“They are waiting for green lights. One of those green lights will appear on the day when there will be a proper anti-corruption court functioning. It will be a signal for investors that they can come in.”

France’s key role

Irritating France is not a good idea. Already, the French president has had to personally intervene in disputes involving French businesses in Ukraine, Dumont said.

France plays a key role in trying to bring an end to Russia’s war through peace talks in the Normandy Format, along with Germany, Ukraine and Russia. On that score, French President Emmanuel Macron is solidly on Ukraine’s side in supporting economic sanctions against Russia, holding Vladimir Putin accountable and refusing to accept Russian occupation of Ukraine’s Crimean peninsula and eastern Donbas.

While the war turns four years old in April, Dumont sees the idea of creating an international peacekeeping force as worth pursuing.

“We’re talking with Ukrainians, first and foremost, and talking also with the Russians.” Defining the parameters of a peacekeeping force “is how we are going to be able to understand what the Russians have in mind: Is it a real step forward or is it not?”

But just as with the fight against corruption, no breakthrough has yet taken place on the war front, leaving Ukraine with plenty of domestic and foreign

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challenges ahead, enemies from without and from within.

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